

MEETING NOTES

February 22, 2011

Regular text = paraphrased discussion

Italics=Department's response

Italics and indented=rule change

R9-3-301(J) and (K) and 304(A)(1)(c)

The Department has reviewed the use of the term "submit" and is changing the rules as follows:

- J. Except as provided in subsections (J) and (K), a certificate holder shall **notify the Department in writing** of a planned change in a child care group home's hours of operation at least three days before the date of the planned change, including:
- K. A certificate holder is not required to **notify the Department** of a change in a child care group home's hours of operation when the change in the child care group home's hours of operation is due to the occurrence of a state or federal holiday on a day of the week the child care group home regularly provides child care services.

R9-3-305(A)(1)(c)

The Department has reviewed the use of the term "submit" and is changing the rules as follows:

- c. The enrolled child, if the enrolled child is a school-age child and the enrolled child's parent has **submitted given** written permission for the enrolled child to self-admit or self-release;~~and~~

R9-3-306

The Department has reviewed this Section and believes motor vehicle insurance is covered under Section R9-3-408(C)(1)(d). The Department is changing the rules as follows:

- A. ~~A certificate holder shall secure and maintain the following insurance coverage, issued to the certificate holder, for a child care group home:~~
 - ~~1. General liability insurance or a combination of general liability insurance and excess liability insurance with a maximum liability limit of at least \$100,000; and~~
 - ~~2. For each motor vehicle owned by the certificate holder and used by a staff member to transport enrolled children, motor vehicle insurance that has the coverage limits required by A.R.S. Title 28, Chapter 9.~~
 - B. ~~A certificate holder shall obtain a certificate of insurance for the insurance policy required by subsection (A)(1). A certificate holder shall ensure that the certificate of insurance complies with R9-3-205(C)(2).~~
 - C. ~~A certificate holder shall submit to the Department a copy of a new certificate of insurance or new insurance policy immediately after the certificate holder's insurance policy required under subsection (A)(1) or (2) expires, is canceled, or is changed.~~
 - D. ~~If the general liability insurance policy or combination of general liability insurance and excess liability insurance for a child care group home includes a waiver of coverage for physical or sexual abuse of an enrolled child, the provider shall provide written notice of this waiver of coverage at the time of each child's enrollment to the parent or other individual enrolling the child.~~
- A certificate holder shall:
- 1. **Secure and maintain general liability insurance of at least \$100,000 for the child care group home; and**
 - 2. **Maintain on the premises documentation of the insurance coverage required in subsection (1).**

R9-3-311

The Department is making the following change to the rules:

- A. A **provider certificate holder** shall ensure that a child care group home has a first-aid kit **on the premises** that is located in an area accessible to staff members but inaccessible to enrolled

~~children. The first aid kit shall contain~~ contains at least the following items, in a quantity sufficient to meet the needs of the enrolled children at the child care group home:

Similar changes, making the certificate holder rather than the provider responsible for rules requirements, will be made in multiple other places in the rules.

R9-3-311(D)(1) and (2)

The Department reviewed the use of undefined terms and is changing subsections (1), (2)(b) and (2)(c) to remove the undefined term “emergency contact.” The rules will read as follows:

- ~~3.1.~~ Within 30 minutes after the accident, emergency, or serious injury, notify a parent of the child or, if the provider is unable to locate and notify a parent of the child, an emergency contact; and Within 30 minutes after the accident, injury, or emergency, notify the individual designated by the enrolled child’s parent to be contacted in case of the enrolled child’s injury or illness;
- ~~4.2.~~ Document:
 - ~~a.~~ The date, time, location, and circumstances of the child’s accident, emergency, or serious injury A description of the accident, injury, or emergency, including the date, time, and location of the accident, injury, or emergency;
 - ~~b.~~ The method used to notify the parent or emergency contact designated individual; and
 - ~~c.~~ The time that the parent or emergency contact designated individual was notified; and

R9-3-401(B)(2)

A question was raised about parts of the child care group home that are not intended to be used for child care, such as a garage or workshop where children are not permitted, needing to be free from hazards.

The Department is changing the rules as follows:

- ~~3.2.~~ The child care group home’s buildings, activity areas, and indoor and outdoor play equipment are maintained in good repair and free from hazards The areas of the child care group home approved for providing child care services are maintained free from hazards;

R9-3-401(B)(3)(a) and (c)

A question was raised about art supplies that are appropriate to school-age children being accessible to toddlers. Are subsections (B)(3)(a) and (c) inconsistent?

As a result of the discussion at the meeting and the Department’s review of the requirement, the Department believes the requirements are not inconsistent. Toys and supplies, appropriate to school-age children but inappropriate for toddlers, may be kept in containers or on shelves that are inaccessible to toddlers but accessible to school-age children. Some art supplies, such as beads or other items that present choking hazards to toddlers, may be used as part of an activity with older children, while younger children are occupied with other activities. No change will be made to the rule.

R9-3-401(B)(4)

A question was raised about how to provide a “quiet” study area for a school-age child.

The Department recognizes that the concept of “quiet” is subjective and “a quiet study area” in a child care group home may not be feasible. The Department is removing the requirement.

R9-3-402

A question was asked why “Resting” was removed from the title of the Section.

The Department recognizes that the term “rest” may be used whenever an individual is not involved in an activity requiring movement. Therefore, an enrolled child may “rest” in a chair, on a couch, lying in front of a television, or in any number of other locations. The requirements in this Section apply when there is an expectation that an enrolled child may fall asleep. No change will be made to the rule.

R9-3-402(B)

A comment was made about the new Federal restrictions on the use of drop-side cribs. Should drop-side cribs be prohibited in child care group homes?

The Federal prohibition for the use of these cribs “by child care facilities, family child care homes, and places of public accommodation” does not go into effect until December 28, 2012. The use of these cribs is currently not prohibited in child care facilities. No change will be made to the rule.

R9-3-402(D)

A question was asked whether a provider had to be awake at 5:00 a.m. if no children are expected until 7:00 a.m. The Department is changing the rule as follows:

- D.** **When enrolled children are present at a child care group home during hours of operation, a provider shall ensure that a staff member:**
- 1.** **Remains awake until all enrolled children are asleep, and**
 - 2.** **Is allowed to sleep only:**
 - a.** **During the hours of 8:00 p.m. to 5:00 a.m., and**
 - b.** **If the staff member can hear and respond to an enrolled child waking from sleep.**

R9-3-403(7)

A comment was made that the DOE Nutrition Program does not allow feeding cereal from a bottle.

This prohibition may be in conflict with the requirement that a staff member feeds an enrolled infant according to written instructions from the enrolled infant’s parent (subsection (A)(3)(b)). No change will be made to the rule.

R9-3-403(A)(1)(a)

The question was raised about whether infants can use a playpen.

The Department believes that an infant or one- or two-year-old child may play but not sleep in a playpen. The Department is clarifying the rule as follows:

- 1.** **A staff member:**
 - a.** **Does not allow an enrolled infant or one- or two-year-old child to spend more than 30 consecutive minutes of time while awake in a crib, **playpen**, swing, feeding chair, infant seat, or other confining piece of equipment;**

R9-3-403(A)(1)(c)

A comment was made that children should not have a bottle, even with only water, in a crib.

The Department reviewed the rule and believes the requirement may be in conflict with the requirement that a staff member feeds an enrolled infant according to written instructions from the enrolled infant’s parent (subsection (A)(3)(b)). Therefore, the Department is changing the rule as follows

- c.** **If providing a bottle or sippy cup to an enrolled infant or one- or two-year-old child before the enrolled infant or child naps or sleeps:**
 - i.** **Ensures that only water is in the bottle or sippy cup **unless the written instructions required by subsection (A)(3)(b) state otherwise;****

R9-3-404(B)(3)

A comment was made that commercially prepackaged formula for tube feeding should be stored according to package directions.

The Department is changing the rule as follows:

- 3.** **When tube feeding an enrolled child, a staff member only uses:**
 - a.** **Commercially prepackaged formula in a ready-to-use state, **stored according to directions on the package;****

R9-3-405(B)(3)

A Work Group member recommended that discipline associated with physical activity should also be prohibited. The Department does not plan to change the rule.

R9-3-406(C)(5)

Question were raised about why 2% milk is not allowed and how providers should transition from whole milk to 1% milk without a child rejecting the milk.

This requirement allows a parent to request that the parent's enrolled child drink milk other than that required in the rule. No change will be made to the rule.

R9-3-406(C)(8)

A Work Group member recommended that the amount of juice be restricted as it is in the facility rules.

The Department does not plan to change the rule.

R9-3-407(A)(18)

A Work Group member recommended that the cold hold temperatures be changed to 41° rather than 45°.

The Department does not plan to change the rule.

R9-3-407(A)(20)

A question was raised as to whether "family style" needs to be defined.

To clarify what is prohibited, the Department is changing the rule as follows:

~~26-20.~~ Food leftover from a meal ~~served family style~~ **where enrolled children pass a serving container from individual to individual** or from the provider's family meal is not served to an enrolled child;

Next scheduled meetings

March 8, 2011

1:00 p.m. – 4:00 p.m.

150 N. 18th Ave., 4th floor training room

Phoenix, Arizona, 85007

Tentative discussion:

Review of changes made to previously-reviewed Articles

Continue review of Article 4

Review of Article 5

March 22, 2011

1:00 p.m. – 4:00 p.m.

150 N. 18th Ave., 4th floor training room

Phoenix, Arizona, 85007

Tentative discussion: TBD